

**Village of Sleepy Hollow
Zoning Board Meeting - Approved
January 16, 2013**

Peter Koffler, Chairman, called the meeting to order at 8:26pm. The Chair noted that a quorum was present.

Present: Peter Koffler, Chairman
Timothy Judge
Maria Gorete-Crowe
Linda Moiron

Absent: Tom Capossela
Michael Wernick
Sherry Bishko

Also Present: Sean McCarthy (Village of Sleepy Hollow/Building Department)
Janet Gandolfo (Village Attorney)
Mary Gerlanc (Recording Secretary)

Agenda:

1) Salvation Army	90 Valley Street	Resolution
2) Rafael Mota	188 Cortlandt Street	Public Hearing
3) Approval of Minutes		December 19, 2012

Announcements - There were no announcements.

<u>1) Salvation Army</u>	<u>90 Valley Street</u>	<u>Resolution</u>
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William Null, attorney from Cuddy & Feder represented this application.

The Chair stated that this application was approved subject to conditions, which were in a resolution drafted by the Village Attorney.

The Chair read the resolution into the record.

The Chair stated in last month's meeting the Board has discussed a condition that whatever Tarrytown approved for the Salvation Army did not conflict with the Village of Sleepy Hollow's approval of this application. He stated this was not necessary as a condition for the Salvation Army resolution.

Discussion ensued regarding the Salvation Army notifying the Village if they anticipated having an event for over 100 people, which was mentioned at last month's meeting. Mr. Null stated his draft of the resolution said the Salvation Army must implement on-site attendant parking for events with over 100 people. The Chair stated he was comfortable with that condition.

The Chair made a motion to approve the resolution as drafted subject to changing a typo. Timothy Judge seconded the motion. The Board voted in favor to approve. Tom Capossela, Sherry Bishko and Michael Wernick were absent.

2) Rafael Mota 188 Cortlandt Street Continued Public Hearing

This was a continuation from a previous meeting. Jaime Hernandez, architect for this project, and Rafael Mota, the building owner, represented this application.

Mr. Hernandez dispersed revised plans to the Board. He stated the applicant had reduced the number of seats from 33 to 24. He stated the reduction in seating required the applicant to provide 8 parking spaces and they would need a variance because they are providing four spaces in the garage owned by the applicant and located on Chestnut Street.

Linda Moiron asked if this was valet parking or self-parking. Mr. Hernandez stated it was valet parking.

The Chair asked Sean McCarthy if the 8 parking spaces take into account employee parking needs. Mr. McCarthy stated that the parking requirement was based on the number of seats in the restaurant. Discussion ensued regarding valet parking. Linda Moiron asked how many employees would be working in the restaurant and who would be available to park cars. The applicant stated there would be three or four people.

Timothy Judge asked Sean McCarthy to confirm how many parking spaces are required. Sean McCarthy stated the applicant needed to provide one parking space for every five seats in the restaurant.

The Chair asked Sean McCarthy if it was possible to give a variance to a site with parking that was not adjacent to the proposed locations. Mr. McCarthy stated the Board could impose conditions on the variance and as the use changes so could the variance.

Linda Moiron asked the applicant how the valet parking would work given the location of the parking spaces to the restaurant location. Mr. Hernandez stated Mr. Mota would have a plan for valet parking but that most of his clientele does not drive to the location. Discussion ensued regarding how patrons would know that valet parking was available.

The Chair stated he did not feel the restaurant would have an adverse effect on the neighborhood because the restaurant is a local place and most of the patrons walk there. He also stated this view is based on the applicant operating this restaurant in the way they anticipate it at this time. If it becomes a different restaurant in the future, the Board would want to reexamine the variance.

Maria Gorete-Crowe stated if there were an increase in traffic due to this restaurant then the Village would have to reevaluate the variance. The Chair stated that the Board would have the objective to reevaluate in six months or a year and see if the conditions imposed are working.

Sean McCarthy asked if the Board would be inclined to approve the application with fewer seats and have the applicant return in a year and increase the seating if everything is operating smoothly. The Chair stated the number of seats in the restaurant does not bother him because it doesn't change the fact of how many people are walking or not walking to the restaurant.

Discussion ensued regarding a Valet Parking sign.

Sean McCarthy stated that the applicant would have to go before the Architectural Review Board for any new signage including a Valet parking sign.

The Chair stated he would make a motion to approve on the following conditions:

The variance would be granted so long as the establishment is owned and operated by the applicant as La Taguara Restaurant. The variance would not be transferable to any future owner(s).

The variance is subject to ratification at the end of one year following the issuance of the certificate of occupancy.

The garage has to be available for employee parking.

Discussion ensued regarding use of the garage and how many parking spaces it would provide and also the difficulty in parking vehicles based on the structure and doors on the garage.

Linda Moiron asked if the Chair would make it mandatory for the applicant to return at the end of the year for re-evaluation. Discussion ensued regarding the timing for that reevaluation.

Sean McCarthy stated the Police Department had requested the Board consider imposing time limits on the restaurant's hours of operations. He asked if they wanted to make that a condition of the variance.

Linda Moiron asked the applicant's hours of operation. The Chair asked if the space had a liquor license. Sean McCarthy stated the applicant did have a liquor license for this space. Timothy Judge stated the Board should be notified if there were repeated violations to the State liquor authority laws or any complaints during the year evaluation period and that should also be a condition of approval.

Mr. Hernandez stated the applicant wanted the hours to be 11am – 11pm, 7 days a week. Discussion ensued regarding the hours of operation.

The Board decided that the hours of operation would be:
Sunday through Thursday - 11:00am to 11:00pm with the doors closed at 11:00pm.
Friday and Saturday - 11:00am to midnight with the doors closed at midnight.

Sean McCarthy asked that there be no loading on Cortlandt Street. The loading would have to take place in the driveway on Chestnut Street. The Board agreed.

The Chair made a motion to approve based on the conditions discussed.

Linda Moiron seconded the motion.

The Board voted in favor.

Tom Capossela, Sherry Bishko and Michael Wernick were absent.

3) Approval of Minutes

December 19, 2012

The Board reviewed the minutes.

The Chair made a motion to approve the minutes as amended.

Linda Moiron seconded the motion.

Tom Capossela, Sherry Bishko and Michael Wernick were absent.

The Chair made a motion to adjourn the meeting. Linda Moiron seconded the motion.
The meeting was adjourned at 9:13pm.